United Nations Convention on the Law of the Sea

CLCS/70

Commission on the Limits of the Continental Shelf

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Statement by the Chairperson of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The Commission on the Limits of the Continental Shelf held its twenty-seventh session at United Nations Headquarters from 7 March to 21 April 2011, pursuant to the decisions taken at its twenty-fifth[1] and twenty-sixth[2] sessions and to General Assembly resolution 65/37.[3] The plenary part of the session was held from 28 March to 5 April. The periods from 7 to 25 March and from 6 to 21 April were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

2. The following members of the Commission attended the session: Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Francis L. Charles, Peter F. Croker, Abu Bakar Jaafar, Emmanuel Kalngui, Yuri Borisovitch Kazmin, Wenzheng Lu, Isaac Owusu Oduro, Yong-Ahn Park, Sivaramakrishnan Rajan, Michael Anselme Marc Rosette, Philip Alexander Symonds and Kensaku Tamaki. Alexandre Tagore Medeiros de Albuquerque, Indurlall Fagoonee, Mihai Silviu German, George Jaoshvili and Fernando Manuel Maia Pimentel could not attend the session.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.30);

(b) Statement by the Chairperson of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission at its twenty-sixth session (CLCS/68);

(c) Submissions made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General of the United Nations to the Commission by coastal States;[4]

[1] CLCS/66, para. 98.
[2] CLCS/68, para. 55.
[3] Para. 67.
[4] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

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(d) General Assembly resolution 65/37;

(e) Communications received from Bangladesh (20 October 2010), Barbados (14 February 2011), Brazil (15 February 2011), Denmark (2 December 2010), Ireland (21 December 2010), Maldives (10 March 2011), Mauritius (29 October 2010 and 24 March 2011), Mauritius and Seychelles (24 February 2011 and 10 March 2011), Mexico (25 March 2011), Mozambique (18 March 2011), Namibia (10 February 2011), Sierra Leone (29 December 2010), the United Kingdom of Great Britain and Northern Ireland (9 August 2010 and 11 January 2011), and from the Coordinator of the Informal Working Group facilitated by the Bureau of the Meeting of States Parties (the Informal Working Group) with regard to the issue of the workload of the Commission (29 March 2011).

Item 1
Opening of the twenty-seventh session by the Chairperson of the Commission

4. In the absence of the Chairperson, the Director of the Division opened the plenary part of the twenty-seventh session. In accordance with rule 14 of the Rules of Procedure of the Commission (CLCS/40/Rev.1), the Commission designated by general agreement one of the Vice-Chairpersons, Mr. Brekke, as Acting Chairperson for the twenty-seventh session.

Statement by the Legal Counsel

5. The Legal Counsel, Patricia O'Brien, welcomed the members of the Commission and expressed appreciation for the preparation of draft recommendations by the Subcommissions established to examine the submissions made by Mauritius and Seychelles in respect of the Mascarene Plateau, and by Suriname, during the first three weeks of the session. She noted that the adoption at the present session of those recommendations, as well as those prepared at the previous session by the Subcommission established to examine the submission made by Indonesia, would reassure Member States that the Commission is doing its best to address the existing workload, with the utmost expediency and efficiency. In this connection, she recalled that the issue of the workload of the Commission continued to be under consideration by the Informal Working Group, in particular to assess further measures that may be necessary in addition to those reflected in the decision of the twentieth Meeting of States Parties to the Convention.[5] For this reason, she advised the Commission to remain engaged in this process by availing itself of the opportunity to convey its views on the issue of its workload to the Meeting of States Parties, through the letter of the Chairperson of the Commission to the President of the Meeting of States Parties, as well as in his statement during the upcoming twenty-first Meeting.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.30) and adopted it, with amendments (CLCS/69). One member of the Commission proposed that one item be included in the agenda relating to the need to identify a mechanism through which

[5] See SPLOS/216.

the Commission should seek advice on matters of interpretation of certain provisions of the Convention other than article 76, annex II to the Convention and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea. Some members of the Commission supported this proposal. The Commission decided to defer discussion on this matter to the next session.

Item 3
Organization of work

7. The Chairperson outlined the programme of work and the schedule for deliberations, which the Commission approved with amendments. In view of the decision by four coastal States to defer the presentation of their respective submissions to a later session,[6] the Commission decided to close the plenary part of the twenty-seventh session on 5 April and devote the rest of that week, from 6 to 8 April, to the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division, with a view to expediting the examination of submissions.

Item 4
Submission made by Indonesia in respect of North West of Sumatra Island[7]

Consideration of recommendations

8. At the twenty-sixth session, following a detailed discussion of the recommendations prepared by the Subcommission and of the presentation made by the delegation of Indonesia, the Commission decided to defer consideration of the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Indonesia in respect of the area North West of Sumatra on 16 June 2008" prepared by the Subcommission to the twenty-seventh session in order to provide its members with further time to examine them.

9. At the twenty-seventh session, after a thorough examination of the recommendations and of outstanding issues, on 28 March 2011 the Commission adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Indonesia in respect of the area North West of Sumatra on 16 June 2008" by 11 votes to 2, with 2 abstentions. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

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[6] In response to an invitation by the Chairperson of the Commission to present their submissions at the twenty-seventh session, France (in respect of La Réunion Island and Saint-Paul and Amsterdam Islands), Iceland, Pakistan and Sri Lanka had indicated a preference to make their presentations at a later session. The deferrals of the presentations of the submissions to a later time were communicated to the Chairperson of the Commission on the understanding that they would not affect the position of the submissions in the queue.

[7] Submission made on 16 June 2008, see www.un.org/Depts/los/clcs_new/submissions_files/submission_idn.htm.

Item 5
Submission made by Japan[8]

Report of the Chairperson of the Subcommission regarding the progress of work during the resumed twenty-sixth and twenty-seventh sessions

10. The Chairperson of the Subcommission, Mr. Brekke, informed the Commission that the Subcommission had continued its examination of the submission during the intersessional period as well as during the resumed twenty-sixth session, held from 22 November to 3 December 2010. During that resumed session, the Subcommission considered additional materials transmitted by the delegation of Japan upon the request of the Subcommission and held three meetings with the delegation with a view to providing it with preliminary views on selected regions of the submission and to exchanging views.

11. At the end of February 2011, the Subcommission received a response from the delegation of Japan regarding the preliminary views and considerations submitted by the Subcommission in December. The Subcommission continued its intersessional work in preparation for its meetings to be held from 11 to 21 April 2011 during the twenty-seventh session. At this session, the Subcommission prepared its second round of considerations and views on all regions of the submission by Japan, and presented them during two meetings with the delegation of Japan held on 19 and 21 April. The Subcommission decided that it would meet during a resumed twenty-seventh session from 6 to 17 June to consider and prepare a draft of its recommendations, with a view to finalizing them during the twenty-eighth session from 1 to 12 August and submitting them before the plenary part of that session.

Item 6
Joint submission made by Mauritius and Seychelles in respect of the Mascarene Plateau[9]

Report of the Chairperson of the Subcommission regarding the progress of work during the resumed twenty-sixth and twenty-seventh sessions

12. The Chairperson of the Subcommission, Mr. Tamaki, informed the Commission that the Subcommission had continued its examination of the joint submission at a resumed twenty-sixth session, held from 6 to 10 December 2010. During the resumed session, the Subcommission considered data and information supplied during the intersessional period by the delegations of Mauritius and Seychelles in response to the preliminary considerations regarding certain issues in the Mascarene Plateau Region transmitted to them at the end of the twenty-sixth session. The Subcommission then provided the delegations with its views and general conclusions on the nature of the Mascarene Plateau. In response to these views and general conclusions, the delegations supplied additional data and information intersessionally. The members of the Subcommission had also continued the examination of the submission intersessionally.

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[8] Submission made on 12 November 2008; see www.un.org/Depts/los/clcs_new/submissions_files/submission_jpn.htm.

[9] Submission made on 1 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_musc.htm.

13. During the twenty-seventh session the Subcommission considered the new material received intersessionally. It held three meetings with the delegations of Mauritius and Seychelles, posed one additional question to the delegations and made a comprehensive presentation of its views and general conclusions arising from the examination of the joint submission, pursuant to paragraph 10.3 of annex III to the Rules of Procedure. In accordance with the practice of the Commission, the Subcommission also shared with the delegations an outline of its draft recommendations. The Subcommission then focused on the finalization of its recommendations, which were adopted by consensus on 25 March 2011 and transmitted to the Chairperson of the Commission on 28 March 2011.

Consideration of the recommendations

14. On 29 March 2011, the Subcommission introduced the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the joint submission made by Mauritius and Seychelles concerning the Mascarene Plateau region on 1 December 2008" to the Commission through a presentation delivered by the Chairperson of the Subcommission, together with another member of the Subcommission, Mr. Symonds.

15. On the same day, a meeting was held, at the request of Mauritius and Seychelles, between their delegations and the Commission, pursuant to paragraph 15 (1 bis) of annex III to the Rules of Procedure of the Commission. At that meeting, the presentation of Mauritius and Seychelles was made by Suresh Seebaluck, Secretary of Cabinet and Head of the Civil Service and Ambassador Jagdish Konjool of Mauritius and by Raymond Chang Tave, Special Adviser to the Minister of Land Use and Housing, International Boundaries, and Patrick Joseph, geophysicist, Exploration Manager, Seychelles Petroleum Company of Seychelles. In their presentation, the delegations stated their agreement with the Subcommission on the outer limits.

16. The Commission then continued its meeting in private. Following a thorough consideration of the recommendations prepared by the Subcommission and of the above-mentioned presentation made by the delegations, on 30 March 2011, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the joint submission made by Mauritius and Seychelles concerning the Mascarene Plateau region on 1 December 2008". Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

Item 7
Submission made by Suriname[10]

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-seventh session

17. The Chairperson of the Subcommission, Mr. Rajan, informed the Commission that the members of the Subcommission had continued the examination of the submission intersessionally and that, during the twenty-seventh session, the

[10] Submission made on 5 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_sur.htm.

Subcommission had met from 14 to 25 March 2011. During this period, the Subcommission considered the material provided by the delegation of Suriname intersessionally. It held one meeting with the delegation, during which the delegation made a presentation and additional material was provided. The delegation then informed the Subcommission that in view of the general agreement on the location of the outer limits between the Subcommission and the delegation, it did not wish to avail itself of the opportunity to receive a comprehensive presentation of the views and general conclusions of the Subcommission arising from the examination of the submission, pursuant to paragraph 10.3 of annex III to the Rules of Procedure. The Subcommission provided the delegation with a document reflecting a comprehensive presentation of its views and general conclusions. The Subcommission then focused on the finalization of its recommendations, which were adopted by consensus on 23 March 2011 and transmitted to the Chairperson of the Commission on 25 March 2011.

Consideration of the recommendations

18. On 29 March 2011, the Subcommission introduced the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Suriname on 5 December 2008" to the Commission through a presentation delivered by the Chairperson of the Subcommission.

19. The Government of Suriname did not avail itself of the possibility to address the Commission pursuant to paragraph 15 (1 bis) of annex III to the Rules of Procedure of the Commission.

20. Following a thorough consideration of the recommendations prepared by the Subcommission, on 30 March 2011, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Suriname on 5 December 2008," with amendments. One member of the Commission stated that, in his view, the evidence provided by Suriname and the existing scientific information and literature available about the region supported the determination of two foot of the continental slope points on the basis of evidence to the contrary. However, he did not object to the recommendations because Suriname had indicated its acceptance to the subcommission to remove them from the determination of the outer limit of the continental shelf beyond 200 nautical miles. Pursuant to article 6, paragraph 3, of annex II to the Convention, the Recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

Item 8
Consideration of the submission made by France in respect of the areas of the French Antilles and the Kerguelen Islands

Report of the Chairperson of the Subcommission regarding the progress of work during the resumed twenty-sixth and the twenty-seventh sessions

21. The Chairperson of the Subcommission, Mr. Jaafar, informed the Commission that, after the initial verification of the format and the completeness of the submission carried out during the twenty-sixth session, the Subcommission had started its consideration of the submission during a resumed twenty-sixth session held from 15 to 19 November 2010. During that period, the Subcommission did not hold any meetings with the delegation of France but submitted its first set of questions to the delegation.

The members of the Subcommission proceeded with further examination of the submission intersessionally.

22. The Subcommission continued its work at the twenty-seventh session from 7 to 11 March 2011. During that period it held four meetings with the delegation, which presented its answers to the first set of questions posed by the Subcommission. Further questions were posed to the delegation of France and preliminary views and general conclusions were submitted. The Subcommission decided to continue its consideration of the submission intersessionally and during the twenty-eighth session, from 29 August to 2 September 2011, as well as at a resumed twenty-eighth session, from 28 November to 2 December 2011.

Item 9
Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention

(a) Submission made by Mozambique[11]

23. The presentation of the submission to the Commission was made on 31 March 2011 by Daniel Antonio, Permanent Representative of Mozambique to the United Nations and head of delegation, Miguel Alberto Chissano, President of the Institute for the Sea and Borders, and Estevao Stefano Mahanjane, geologist, National Institute of Petroleum. The delegation of Mozambique also included a number of advisers.

24. In addition to elaborating on substantive points of the submission, Mr. Chissano stated that two members of the Commission, Messrs. Brekke and Carrera, had assisted Mozambique by providing scientific and technical advice.

25. Mr. Chissano also stated that the area of continental shelf that was included in the submission was not the subject of any dispute. He also indicated that the Government of Mozambique had been involved in negotiations with the task forces of the Governments of South Africa and Madagascar on matters of bilateral delimitation of maritime spaces, particularly with regard to possible overlapping claims to an extended continental shelf in the maritime area described in the submission. He expressed the view that such issues would have to be considered by reference to rule 46 and annex I to the Rules of Procedure of the Commission. Mr. Chissano stated that Mozambique, in keeping with the spirit of article 76, paragraph 10, and article 9 of annex II to the Convention and of rule 46, paragraph 2, and annex II to the Rules of Procedure, agreed with its aforementioned neighbouring States, that their respective submissions may be considered by the Commission on the understanding that this is without prejudice to any future delimitation.

26. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the Rules of Procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the Rules of Procedure, at a future session. The Commission decided that it would establish a subcommission at the time when the submission is next in line for consideration, as queued in the order in which it was received.

[11] Submission made on 7 July 2010, see www.un.org/Depts/los/clcs_new/submissions_files/submission_moz_52_2010.htm.

(b) Submission made by Maldives[12]

27. The presentation of the submission to the Commission was made on 31 March 2011 by Ameen Faisal, National Security Adviser to the President and head of delegation, Abdulla Muizzi, Solicitor-General, Mohamed Ibrahim, Director of the Coast Guard, Maldives National Defence Force, and Hawla Ahmed Didi, Deputy Minister of Foreign Affairs. The delegation also included Mohamed Aslam, Acting Minister of Foreign Affairs, Ahmed Ali Sawad, Attorney-General, Abdul Ghafoor Mohamed, Permanent Representative of Maldives to the United Nations, and a number of advisers.

28. In addition to elaborating on substantive points of the submission, Mr. Muizzi stated that no member of the Commission had assisted Maldives by providing scientific or technical advice.

29. Mr. Muizzi stated that the area of continental shelf that was included in the submission was not the subject of any dispute. He recalled that the executive summary of the submission outlined the scope of any potential outstanding delimitation with opposite or adjacent coastal States that may arise from consideration of the submission and from the consideration of submissions lodged by those coastal States. With regard to the communications concerning the submission which had been addressed to the Secretary-General, namely a note verbale, dated 9 August 2010, from the United Kingdom and two notes verbales, dated, respectively, 29 October 2010 and 24 March 2011, from Mauritius, Mr. Muizzi stated that Maldives were looking into ways of addressing the matters raised.

30. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the above-mentioned communications addressed to the Secretary-General, received in relation to the submission. The Commission also took note of the views expressed in the presentation by Maldives that it was looking into ways of addressing the matters raised in those notes verbales. Taking into account these notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission is next in line for consideration, as queued in the order in which it was received.

(c) Submission made by Denmark in respect of the Faroe-Rockall Plateau Region[13]

31. The presentation of the submission to the Commission was made on 31 March 2011 by Bjørn Kunoy, legal adviser, Ministry of Foreign Affairs, Faroes, and head of delegation and Martin Vang Heinesen, article 76 project manager, Faroese Earth and Energy Directorate. The delegation of Denmark also included a number of advisers.

32. In addition to elaborating on substantive points of the submission, Mr. Kunoy stated that one member of the Commission, Mr. Brekke, had assisted Denmark by providing scientific and technical advice.

33. Mr. Kunoy noted that no notes verbales had been received with regard to the submission of Denmark, however he recalled that the area covered by the submission partially overlaps with that covered by the two submissions made on 31 March 2009

[12] Submission made on 26 July 2010, see www.un.org/Depts/los/clcs_new/submissions_files/submission_mdv_53_2010.htm.

[13] Submission made on 2 December 2010; see www.un.org/Depts/los/clcs_new/submissions_files/submission_dnk_54_2010.htm.

by the United Kingdom in respect of Hatton Rockall Area, and by Ireland in respect of Hatton-Rockall Area.[14] He recalled the two notes verbales, dated 27 May 2009, addressed by Denmark to the Secretary-General in reaction to those submissions and the note verbale dated 2 December 2010 transmitting the submission by Denmark in respect of the Faroe-Rockall Plateau Region. In this connection, Mr. Kunoy reiterated that, in accordance with article 9 of annex II to the Convention, the actions of the Commission should not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts and that the qualification of particulars, submitted by the United Kingdom and by Ireland concerning the Southern Continental Shelf of the Faroe Islands, would prejudice the submission made by Denmark and, therefore the final delimitation of the outer limits of the Southern Continental Shelf of the Faroe Islands. Consequently, in the view of Denmark, consideration of the above-mentioned submissions was subject to its consent. He also reiterated that Denmark would give its consent to the Commission to consider the submissions made by the United Kingdom and Ireland, provided that its submission in respect of the Faroe-Rockall Plateau Region be considered simultaneously with them. Mr. Kunoy remarked that Iceland also had a claim which overlapped parts of the Faroe-Rockall Plateau Region, even though it had not made a submission in respect of that area within the 10-year time period prescribed by the Convention.[15] In this connection, he added that Denmark was of the view that if Iceland were to make such a submission, that too could be added to the simultaneous consideration of all submissions in respect of that region. Mr. Kunoy stated that it was Denmark's understanding that the United Kingdom and Ireland deemed the simultaneous consideration of the existing submissions as a method to overcome differences related to submissions in that region. In concluding his remarks, Mr. Kunoy reaffirmed the commitment of Denmark to continuing the quadrilateral talks among the parties with a view to reaching an agreement.

34. The Commission then continued its meeting in private. The Commission took note of the views expressed in the presentation made by Denmark of its submission, the note verbale dated 2 December 2010 from the Permanent Mission of Denmark addressed to the Secretary-General, which accompanied the submission, and section 7 entitled "Maritime delimitations" of the executive summary of that submission. The Commission decided to defer further consideration of the submission and the note verbale until such time as the submission is next in line for consideration, as queued in the order in which it was received.[16]

Item 10
Report of the Chairperson of the Committee on Confidentiality

35. The Chairperson, Mr. Croker, reported that the Committee had held no meetings during the twenty-seventh session, since no circumstances had arisen requiring a meeting.

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[14] See www.un.org/depts/los/clcs_new/submissions_files/submission_gbr1.htm and www.un.org/depts/los/clcs_new/submissions_files/submission_irl1.htm.

[15] See the executive summary of the submission made by Iceland in respect of the Ægir Basin area and in the western and southern parts of Reykjanes Ridge, available at: www.un.org/depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm.

[16] On 8 April 2011, after the closing of the plenary part of the twenty-seventh session, the Secretary-General received a note verbale dated 5 April 2011, from the Permanent Mission of Iceland, concerning the submission made by Denmark in respect of the Faroe-Rockall Plateau Region. See www.un.org/Depts/los/clcs_new/submissions_files/submission_dnk_54_2010.htm.

Item 11
Report of the Chairperson of the Editorial Committee

36. The Chairperson, Mr. Jaafar, reported that the Committee had held no meetings during the twenty-seventh session. However, he reiterated that there ought to be an ongoing exercise to standardize the terms used in the documents and work of the Commission.

Item 12
Report of the Chairperson of the Scientific and Technical Advice Committee

37. The Chairperson, Mr. Symonds, reported that the Commission had not received any formal requests for scientific and technical advice and that the Committee had therefore held no meetings during the twenty-seventh session. He reiterated the willingness of the Committee to assist States and encouraged them to make an official request for such assistance, if needed, through the secretariat.

38. He also encouraged the members of the Commission to provide information as to which coastal States they have assisted by giving scientific and technical advice with respect to the delineation of their continental shelf. Such information would assist the Commission, inter alia, in the establishment of subcommissions in conformity with the procedure provided for in chapter X of the Rules of Procedure. In this connection, he reported that 10 members had provided such information by the deadline agreed at the previous session, namely 31 December 2010. He invited the other members to provide such information at their earliest convenience.

Item 13
Report of the Chairperson of the Training Committee and other training issues

39. The Chairperson of the Committee, Mr. Carrera, reported that the Committee had not held any meetings during the twenty-seventh session.

40. Under this agenda item, the Director informed the Commission that the Division had received a request from the Government of Angola to conduct a training course in May 2011 on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and for preparation of submissions to the Commission on the Limits of the Continental Shelf. The Chairperson of the Committee informed the Commission that he had been designated to assist the Government of Angola in the delivery of the scientific and technical modules of the training course. A former member of the Commission, Karl Hinz, would also participate as instructor on the course.

Establishment of new subcommissions

Submissions by Myanmar, Yemen, the United Kingdom of Great Britain and Northern Ireland in respect of Hatton Rockall Area, and Ireland in respect of Hatton-Rockall Area

41. After the completion of the work by the Subcommissions established for the examination of the joint submission made by Mauritius and Seychelles in respect of the Mascarene Plateau, and of the submission made by Suriname, the Commission

decided that, in order to ensure expediency and efficiency in the light of a large number of submissions, two new subcommissions would be established, including one established as an exception to the general rule contained in rule 51, paragraph 4 bis, of the Rules of Procedure.

42. The Commission noted that the submissions made by Myanmar, Yemen, the United Kingdom in respect of Hatton Rockall Area, and Ireland in respect of Hatton-Rockall Area were at the head of the queue. Recalling its decisions with regard to those submissions,[17] and noting that there had been no developments to indicate that consent existed on the part of all States concerned allowing their consideration, the Commission decided to further defer the establishment of subcommissions for the consideration of any of those submissions. It was also decided that, since those submissions remained next in line for consideration as queued in the order in which they were received, the Commission would revisit the situation at the time of establishment of its next subcommission.

Submissions by Uruguay and by the Philippines in respect of the Benham Rise region

43. The Commission then established subcommissions to examine the next two submissions in the queue, namely, the submissions made respectively by Uruguay, and by the Philippines in respect of the Benham Rise region.[18]

44. Messrs. Charles, Croker, Kalngui, Kazmin, Lu, Rajan, and Symonds were appointed as members of the Subcommission for consideration of the submission made by Uruguay. Messrs. Astiz, Awosika, Brekke, Croker, Park, Rosette and Tamaki were appointed as members of the Subcommission for consideration of the submission made by the Philippines in respect of the Benham Rise region.

45. The Commission requested that the Subcommissions meet with a view to organizing their work and electing their officers. The Subcommission established for consideration of the submission made by Uruguay elected Mr. Charles as its Chairperson and Messrs. Rajan and Symonds as Vice-Chairpersons. The Subcommission established for consideration of the submission made by the Philippines in respect of the Benham Rise region, elected Mr. Awosika as its Chairperson and Messrs. Park and Rosette as Vice-Chairpersons.

Report of the Chairperson of the Subcommission established for examination of the submission made by Uruguay regarding the progress of work during the twenty-seventh session

46. The Subcommission met from 6 to 8 April 2011, commencing its consideration of the submission made by Uruguay. The Subcommission verified the format and completeness of the submission and then proceeded to undertake a preliminary analysis of the submission, concluding inter alia that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission. The Subcommission prepared some initial considerations and questions addressed to the delegation of Uruguay and decided that its members would continue to work individually on the submission during the intersessional period. The Subcommission

[17] See, respectively, CLCS/64, para. 40, and CLCS/68, para. 51; CLCS/68, para. 19; CLCS/64, paras. 46 and 52.

[18] On the decisions to examine those submissions by way of a subcommission, see, CLCS/64, paras. 56 and 61 respectively. On the procedure followed to establish the subcommissions see CLCS/42, paras. 19 and 20.

decided that it would meet from 8 to 12 August and from 6 to 9 September 2011 during the twenty-eighth session as well as from 5 to 9 December 2011 during a resumed twenty-eighth session. The Subcommission decided to invite the delegation of Uruguay to attend meetings to be scheduled during the week from 8 to 12 August 2011.

Report of the Chairperson of the Subcommission established for examination of the submission made by the Philippines in respect of the Benham Rise region, regarding the progress of work during the twenty-seventh session

47. The Chairperson of the Subcommission, Mr. Awosika, informed the Commission that the Subcommission had met from 6 to 8 April 2011, commencing its consideration of the submission made by the Philippines in respect of the Benham Rise region. The Subcommission had verified the format and completeness of the submission and had then proceeded to undertake a preliminary analysis of the submission, concluding that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

48. The Subcommission prepared a series of questions addressed to the delegation of the Philippines based upon its initial analysis of the submission and decided that its members would continue to work individually on the submission during the intersessional period. The Subcommission decided to resume its consideration of the submission from 29 August to 9 September 2011 during the twenty-eighth session as well as from 5 to 9 December 2011 during a resumed twenty-eighth session.

Item 14
Workload of the Commission

49. The Director of the Division provided a brief overview of the recent work carried out by the Informal Working Group.

50. The Commission discussed how to respond to a letter from the Coordinator of the Informal Working Group, Eden Charles. In that letter, Mr. Charles sought the views of the Commission on a number of possible measures to address the workload of the Commission, including working at United Nations Headquarters on a full-time basis or working for six months per year organized in the manner in which the Commission would be most effective in its view, as well as its views on the impact of measures listed in paragraphs 1 (a) to (f) of the decision contained in document SPLOS/216. The letter also conveyed an invitation to the Commission to meet with the Informal Working Group. The Commission recalled that it had already had the opportunity to convey its views on several of the measures identified in the letter, including through the letters of the Chairperson to the President of the Meeting of States Parties[19] and presentations to the Meeting of States Parties since 2005 and the Informal Working Group since 2010,[20] as well as through the Statements of the Chairperson.[21] The internal working group appointed by the Commission to address issues relating to its workload, chaired by Mr. Carrera, was instructed to prepare a draft presentation for the meeting with the Informal Working Group. The presentation

[19] See SPLOS/129, SPLOS/140, SPLOS/156, SPLOS/177, SPLOS/195 and SPLOS/209.

[20] The presentations are available on the website of the Commission at http://www.un.org/Depts/los/clcs_new/clcs_home.htm.

[21] See CLCS/56, paras. 51-53; CLCS/64, paras. 120-125; CLCS/66, paras. 87-91; CLCS/68, paras. 37-43.

was prepared with contributions from some members of the internal working group, Messrs. Brekke, Carrera, Croker, Jaafar, and Symonds. The Commission endorsed its content after reviewing the presentation and instructed Mr. Carrera to deliver it at the meeting. The Commission decided to attend the meeting in full. It was also decided that a letter from the Chairperson to the President of the twenty-first Meeting of States Parties and a presentation for that meeting would be prepared.[22]

51. The Director of the Division also informed the Commission of the request of the Informal Working Group to the secretariat to provide information on the standard costs and financial implications of the various options listed and, in this regard, invited the Commission, based on the various options, to provide information on the ways in which the Commission believed it should organize itself to be effective in order to facilitate consideration by the secretariat of the financial implications. The Commission agreed that it would do so.

Item 15
Other matters

Submission by Bangladesh

52. The Commission took note of the submission received from Bangladesh on 25 February 2011, which had brought the total number of submissions received to date to 55.

Future sessions of the Commission

53. The Commission decided that it would resume its twenty-seventh session to allow the Subcommission established to examine the submission of Japan to meet from 6 to 17 June 2011.

54. Noting that with extended subcommission meetings the twenty-eighth session would be held from 1 August to 9 September 2011, the Commission decided that the Subcommission established to examine the submission made by France in respect of the French Antilles and the Kerguelen Islands would meet from 29 August to 2 September 2011; the Subcommission established to examine the submission of Japan would meet from 1 to 12 August 2011; the Subcommission established to examine the submission made by Uruguay would meet from 8 to 12 August and from 6 to 9 September 2011; and the Subcommission established to examine the submission made by the Philippines in respect of the Benham Rise region would meet from 29 August to 9 September 2011. Additional decisions on the dates for meetings to be held by subcommissions that might be established at the twenty-eighth session would be made during that session.

55. The Commission decided that it would resume its twenty-eighth session to allow the Subcommission established to examine the submissions of France in respect of the French Antilles and the Kerguelen Islands to meet from 28 November to 2 December; and the Subcommission established to examine the submission made by Uruguay and the Subcommission established to examine the submission made by the Philippines in respect of the Benham Rise region to meet from 5 to 9 December.

56. Upon the request of the members of the Commission, the secretariat provided information as to the tentative dates for the plenary parts of the sessions to be held in

[22] The meeting took place on 5 April 2011.

2012, on the understanding that those dates and the provision of conference services were subject to approval by the General Assembly. The secretariat informed the Commission that the tentative dates were as follows: plenary part of the twenty-ninth session from 2 to 12 April 2012 and plenary part of the thirtieth session from 21 to 31 August 2012.

Summary of recommendations

57. Following the decision taken by the Commission at its twenty-fifth session, summaries of the recommendations in regard to the submissions made by the Russian Federation and by Brazil were prepared by the Chairperson of the Subcommissions established for the consideration of those two submissions, Mr. Carrera. At the twenty-sixth session, the summaries were circulated to allow the members of the Commission to review them intersessionally.[23]

58. With regard to the recommendations in respect of the submission of the Russian Federation, the Commission recalled that the Rules of Procedure in force at the time of its adoption[24] did not require the preparation of summaries of recommendations and the Rules of Procedure providing for the preparation of summaries (CLCS/40/Rev.1) could not be applied retroactively to recommendations adopted before their entry into force. In this connection, the Commission also recalled that a short summary of those recommendations had been included in the report of the Secretary-General,[25] notwithstanding the Rules of Procedure. Therefore, it was decided that the Commission would not publish any additional summary of these recommendations.

59. With regard to the recommendations in respect of the submission of Brazil, the Commission revisited the matter in the light of a communication from the Government of Brazil dated 15 February 2011, in which it stated its intention to make a revised submission and requested that no summary should be published prior to the conclusion of the examination of that submission. The Commission decided that it would act in accordance with the Rules of Procedure and defer the matter to the next session.

Publication of recommendations

60. The secretariat informed the Commission that following the request made by the Commission at its twenty-sixth session,[26] the secretariat had sent notes verbales to the two coastal States that had deposited charts and relevant information, including geodetic data, permanently describing the outer limits of the continental shelf deposited by the coastal State in accordance with article 76, paragraph 9, namely Ireland, in respect of the Porcupine Abyssal Plain, and Mexico, in respect of the western polygon in the Gulf of Mexico, with a view to receiving confirmation that the recommendations did not contain any data considered by the submitting State as confidential or of a proprietary data.

61. The secretariat reported to the Commission that in a note verbale dated 21 December 2010, the Permanent Mission of Ireland to the United Nations informed the secretariat that it had no objection to the Secretary-General giving due publicity to the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the partial submission made by Ireland on 25 May 2005 on the proposed outer limit of its continental shelf beyond 200 nautical miles in the area abutting the

[23] See CLCS/68, para. 59.
[24] CLCS/3/Rev.3.
[25] See A/57/57/Add.1, paras. 38-41.
[26] See CLCS/68, para. 58.

Porcupine Abyssal Plain," adopted on 5 April 2007, in accordance with rule 54, paragraph 3, of the Rules of Procedure, as the recommendations do not contain any data of a confidential or proprietary nature. Following this communication, the secretariat made the full text of the recommendations available online.[27]

62. The secretariat also reported that in a note verbale dated 25 March 2011, Mexico informed the secretariat that due to the presence of confidential information in the text of the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Mexico in respect of the western polygon in the Gulf of Mexico on 13 December 2007", adopted on 31 March 2009, only Part I (introduction) and annex I thereof could be made public.

Attendance of members of the Commission

63. The Commission reiterated that full attendance by the members was necessary to ensure that all existing subcommissions have the required quorum for their deliberations, as well as the technical expertise required for the examination of submissions, and noted that some members of the Commission from one region could not attend the session due to the lack of financial support from the nominating States.

Trust funds

64. The Director of the Division briefed the Commission on the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. He informed the Commission that for the twenty-seventh session of the Commission, Argentina would not be seeking assistance from the fund, while China would provide medical coverage for its member. China, Ireland, Japan, Mexico and the Republic of Korea made contributions to the trust fund. According to the provisional statement of accounts, as at the end of February 2011, the balance of the trust fund was approximately $718,000.

65. The Director provided an overview of the status of the trust fund for the purpose of facilitating the preparation of submissions, indicating that, during the second half of 2010, a contribution was received from Ireland. The Director also informed the Commission that a draft agreement in the amount of approximately $110,000 had been concluded with Vanuatu in 2010. According to the provisional statement of accounts, as at the end of February 2011, the balance of the trust fund was approximately $530,000.

Response to the note verbale dated 11 January 2011 from the United Kingdom

66. On 11 January 2011 the Government of the United Kingdom addressed a note verbale to the Secretary-General expressing disappointment with regard to the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island on 9 May 2008" adopted by the Commission on 15 April 2010.[28] The United Kingdom requested the secretariat to make the note verbale, as well the attached "Paper Summarising the Presentation by the United Kingdom of Great Britain and Northern Ireland to the Commission on the Limits of

[27] See www.un.org/Depts/los/clcs_new/submissions_files/submission_irl.htm.

[28] The Note Verbale is available at www.un.org/Depts/los/clcs_new/submissions_files/submission_gbr.htm.

the Continental Shelf on Points of Legal Interpretation made on 12 April 2010", available on the website of the Division.

67. The Commission took note of the note verbale and confirmed unanimously once more that its "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island on 9 May 2008" were prepared in strict adherence to article 76 of and annex II to the Convention. In this connection, the Commission recalled that the provisions contained in article 8 of annex II to the Convention established that in the case of disagreement by the coastal State with the recommendations of the Commission, the coastal State shall, within a reasonable time, make a revised or new submission to the Commission.

Response to the letter dated 14 February 2011 from Barbados

68. At its twenty-sixth session, the Commission decided to respond to a letter from Barbados dated 13 July 2010, in which the Commission had indicated that it was not in a position to reconsider the submission and the recommendations adopted on 15 April 2010 but that it remained open to providing clarification on the substance of the recommendations, upon request.[29]

69. On 14 February 2011 Barbados addressed another letter to the Commission welcoming its position, while seeking clarification on the precise location of a fixed point so that it could establish the outer limits of its continental shelf on the basis of the recommendations.

70. After deliberation, the Commission decided that the point of clarification sought by Barbados was on a matter related to a new analysis of a foot of slope point submitted by Barbados in its letter. Therefore, the Commission decided to inform Barbados that it should make a revised submission with regard to the portion of the outer limits of the continental shelf affected by the issue raised in its letter. In this connection, the Commission recalled that at its twenty-sixth session, it had decided that revised submissions would be considered on a priority basis, notwithstanding the queue.[30]

Other communications

71. The Commission took note of the notes verbales addressed to the Secretary-General by Bangladesh on 20 October 2010 and by Sierra Leone on 29 December 2010, as well as of the letter addressed to the Director of the Division by the Permanent Representative of Namibia to the United Nations on 10 February 2011.

Software issues

72. On 4 February 2011, the Director of the Division addressed a letter to the Chairperson of the Commission, bringing to his attention certain difficulties that may arise as GIS software and operating systems continue to evolve, in particular with regard to the fact that future versions of the software may not provide for backward compatibility with GIS projects included in the submissions already received by the Commission.

[29] See CLCS/68, paras. 65 and 66.

[30] See CLCS/68, para. 57.

73. After deliberation, the Commission concluded that it is the responsibility of submitting States to ensure that their submissions are readable and software-compatible when they are due for consideration by the Commission. Consequently, the Commission urges States to establish routines to this effect, in particular with regard to the GIS project. States could achieve this, for instance, by updating their submissions when new versions of the software they have utilized are released.

Passing away of Mr. Tamaki

74. On 5 April 2011, during the plenary part of the twenty-seventh session, Mr. Tamaki suddenly passed away. Mr. Tamaki had been first elected as a Member of the Commission in 2002 and was re-elected in 2007. He had been a member of several subcommissions and chaired two of them — first the Subcommission established to examine the submission made by Mexico in respect of the western polygon in the Gulf of Mexico, and later the Subcommission established to examine the joint submission by Mauritius and Seychelles in respect of the Mascarene Plateau region. Mr. Tamaki was also the Director of the Frontier Research Centre for Energy and Resources, Graduate School of Engineering, University of Tokyo, and a Special Assistant to the Minister for Foreign Affairs of Japan. Mr. Tamaki was a distinguished scientist in the field of marine geology and geophysics, focusing on global tectonics and the dynamics of the ocean floor and their relations to the formation of ore deposits on the seafloor. His knowledge, experience, commitment and leadership will be greatly missed by the Commission. The Commission expressed its deepest sympathy to the family of Mr. Tamaki and the Government of Japan.

Acknowledgement to the secretariat

75. The Commission noted with appreciation the high standard of secretariat services rendered to it by the Division. It expressed its appreciation to the staff of the Division and other members of the secretariat for the assistance provided to the Commission during the twenty-seventh session, and noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference room officers.